

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE:

Paris N Winston

Case No.: 17-00117

Judge: Debra L. Thorne

Chapter: 13

, Debtor(s)

**NOTICE OF MOTION-**

TO: See Attached Service List

PLEASE TAKE NOTICE THAT on June 7, 2017, at the hour of 9:30 a.m., a MOTION TO DETERMINE VALUE OF COLLATERAL AND TO RELEASE WELLS FARGO BANK, NA'S UNDERLYING LIEN OF COLLATERAL shall be heard before the Honorable Debra L. Thorne of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, in Room 613 at 219 South Dearborn, Chicago, Illinois. A copy of same is attached hereto and thereby served upon you. You may appear if you so see fit.

/s/ Salvador J. Lopez

Salvador J. Lopez  
ARDC # 6298522  
Robson & Lopez LLC  
180 W. Washington, Suite 700  
Chicago, IL 60602  
(312) 523-2021

**CERTIFICATE OF SERVICE**

I, Salvador J. Lopez, an attorney, certify that the above captioned MOTION TO DETERMINE VALUE OF COLLATERAL AND TO RELEASE WELLS FARGO BANK, NA'S UNDERLYING LIEN OF COLLATERAL were served electronically upon the parties who receive notice via CM/ECF filing, and as indicated below on parties via certified first class mail with postage prepaid on May 17, 2017 from 180 W. Washington, Suite 700, Chicago, IL 60602.

/s/ Salvador J. Lopez

**SERVICE LIST**

\*Marilyn O. Marshall  
Chapter 13 Trustee  
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\*Patrick Layng  
US Trustee  
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\*Steven C. Lindberg  
For Wells Fargo Bank, NA  
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TCF National Bank  
c/o Craig R. Dahl, CEO and President  
2508 South Louise Avenue  
Sioux Falls, SD, United States 57106  
**via Certified First Class Mail**

Wells Fargo Bank, NA  
Anselmo Lindberg Oliver LLC  
1771 W. Diehl Road, Suite 120  
Naperville, IL 60563  
**via First Class Mail**

Paris N. Winstong  
15104 Woodlawn  
Dolton, IL 60617  
**Via First Class Mail**

+Capital One Auto Finance, Attn: Bankruptcy Dept, PO Box 30258,  
Salt Lake City, UT 84130-0258  
Credence Resource Mgmt, PO Box 2390, Southgate, MI 48195-4390  
+Fed Loan Servicing, PO Box 69184, Harrisburg, PA 17106-9184  
+Fed Loan Servicing, PO Box 69184, Harrisburg, PA 17106-9184  
+Fed Loan Srvce, PO Box 69184, Harrisburg, PA 17106-9184  
+Harris & Harris, 111 W Jackson Blvd, Suite 400, Chicago, IL 60604-4135  
ICS, PO Box 1010, Tinley Park, IL 60477-9110  
+ICS/Illinois Collection Service, PO Box 1010, Tinley Park, IL 60477-9110  
+Lansing Animal Hospital, 17916 Torrence Avenue, Lansing, IL 60438-1892  
+Robson & Lopez LLC, 180 W. Washington, Suite 700, Chicago, IL 60602-2318  
+Southside Cu, 5401 S Wentworth Ave, Chicago, IL 60609-6300  
Wells Fargo Home Mortgage, Written Correspondence Resolutions, MAC#2302-04E- POB 10335,  
Des Moines, IA 50306

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, Debtor(s)

**MOTION TO DETERMINE VALUE OF COLLATERAL AND TO RELEASE  
WELLS FARGO BANK NA'S UNDERLYING LIEN OF COLLATERAL**

NOW COME the Debtor, Paris N Winston (hereinafter "Debtor"), by and through his attorneys, Robson & Lopez LLC, and in support of her Motion to Determine Value of Security and Release of First Mortgage Lien, state as follows:

1. On January 3, 2017, Debtor filed a voluntary petition for relief under Title 11 of the United States Code ("Bankruptcy Code").
2. This Honorable Court has jurisdiction over this adversary proceeding pursuant to §157 and §1334 of Title 28 U.S.C.
3. This is a core proceeding within the meaning of §157(B)(1) and (2) of Title 28 U.S.C.
4. Venue is proper pursuant to §1409 of Title 28 U.S.C.
5. This Honorable Court has not yet confirmed the Debtor's Chapter 13 Plan.
6. Wells Fargo Bank, NA ("WFB") is a domestic corporation.

7. The Debtor is the owner of property described as:

**LOTS 43 AND 44 IN BLOCK 6 IN CALUMET TERRACE, A SUBDIVISION OF LOTS 2 TO 8, INCLUSIVE, IN A SUBDIVISION OF THE NORTH 515.10 FEET OF THE WEST 340.89 FEET OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE EAST 1064.5 FEET OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE RAILROAD, EXCEPTING THE WEST 75 FEET OF THE NORTH 290.4 FEET THEREOF, IN COOK COUNTY, ILLINOIS. SUBJECT TO: COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD. PRIVATE, PUBLIC AND UTILITY EASEMENTS, ROADS AND HIGHWAYS.**

Permanent Index Number: 29-11-312-052-0000

Commonly described as: 15104 Woodlawn Ave., Dolton, IL 60419 (the "Property").

8. The property is multi-unit property and the debtor's primary residence.
9. WFB holds a first mortgage lien on the Property in the amount of \$112,170.17.
10. Debtor obtained an appraisal from a licensed real estate appraiser which determined that the value of the Property to be \$83,500.00. A copy of the appraisal report is attached hereto as Exhibit A, and made a part hereof.
11. By reason of the aforementioned, Debtor request that the Court enter an order valuing the property at \$83,500.00.
12. The first secured claim of WFB exceeds the actual value of the property.
13. Section 1322(b)(2) provides that debtor's plan may modify the rights of holders of secured claims other than a claim secured by debtor's primary residence.
14. Under §506(a) of the Bankruptcy Code, WFB's Mortgage would be an allowed secured claim only to the extent of the value of the estate's interest in the Property securing the claim, and WFB's lien is void to the extent it is not an allowed secured claim.

15. As a result, this Court should allow WFB's claim to be paid during the duration of Debtor's Chapter 13 Plan term as a secured creditor as listed in section E3.1 of the Plan, with interest at annual percentage rate of 4.25%, and set monthly payments of \$750 for plan payments #1 through #3, then \$1600.00 for every plan payment thereafter, for a total estimated amount of \$92,229.97, regardless of contrary proofs of claim.

16. The remainder of WFB's claim should therefore be paid as a general unsecured claim as listed in §E8 of Debtors' Chapter 13 Plan and will be discharged upon entry of a discharge order issued by the Court, and WFB's lien encumbering the Property will be deemed released.

17. WFB's lien on the property should be cancelled pursuant to §506(a) and §1322(b)(2) of the Bankruptcy Code.

WHEREFORE, Debtors pray that this Honorable Court enter an order:

- A. Valuing the Property at \$83,500.00;
- B. That the secured claim of WFB shall received a set payment of \$750 for the first 3 plan payments, then \$1600 per month thereafter, at an interest rate of 4.25% for a total secured claim of \$92,229.97.
- C. That the remaining portion of WFB's claim for the first mortgage lien shall be paid as a general unsecured claim, and will be discharged upon debtor receiving a discharge in this case.
- D. That WFB's mortgage lien encumbering the Property located at 15104 Woodlawn Ave., Dolton, IL 60419 will be deemed released contingent upon entry of an order of discharge; and
- E. For such other further relief that this Court deems just.

Respectfully submitted,

/s/ Salvador J. Lopez

Attorney for Debtor

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